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16 **UNITED STATES DISTRICT COURT**  
17  
18 **DISTRICT OF NEVADA**

19 PHILLIP ELWELL, individually  
20  
Plaintiff,  
21 vs.

22 GREGORY HARVEY, individually; FEDEX  
FREIGHT, INC. d/b/a FEDEX FREIGHT  
23 d/b/a FEDEX FREIGHT, SLV; and DOES 1  
to 100, ROE CORPORATIONS 1 to 100,  
24 inclusive,

25 Defendants.  
26

Case No.: 2:19-cv-01673-APG-NJK

**JOINT PRETRIAL ORDER**

27 The Parties, by and through their undersigned counsel, hereby submit this Joint Pretrial  
28 Order pursuant to LR 16-3. Following pretrial proceedings in this case, IT IS SO ORDERED:

I.

**NATURE OF THE ACTION**

This is an action arising from a motor vehicle collision that occurred on October 17, 2017, in Clark County, Nevada. Plaintiff PHILLIP ELWELL (“Plaintiff”) alleges he was traveling westbound on Interstate 215 when Defendant GREGORY HARVEY (“Defendant Harvey”), who was also traveling westbound on Interstate 215, directly behind Plaintiff, allegedly operated a tractor-trailer negligently, which resulted in a rear-end collision between Defendant Harvey and Plaintiff, allegedly injuring Plaintiff. Defendant denies Plaintiff’s allegations. Plaintiff seeks general and special damages arising from the subject collision.

At all times relevant herein Defendant FEDEX FREIGHT, INC. dba FEDEX FREIGHT dba FEDEX FREIGHT, SLV (“Defendant FedEx”) owned and/or controlled the 2012 Volvo tractor and trailer operated by Defendant Harvey. At all times relevant herein, Defendant Harvey was an employee and/or authorized agent of Defendant FedEx Freight, Inc., and was acting within the course and scope of such employment and/or agency, thereby rendering Defendant FedEx Freight, Inc. vicariously liable for Defendant Harvey’s negligence, if any.

II.

**STATEMENT OF JURISDICTION**

This case was removed to Federal Court pursuant to 28 U.S.C. §§1441(a) and 1446 based upon diversity jurisdiction under 28 U.S.C. §§1332. During all times relevant, Plaintiff was and is a resident of Clark County, Nevada. At the time of filing of this action, Defendant Harvey was a resident of Colorado and Defendant FedEx Freight, Inc. is a foreign corporation doing business in the State of Nevada. Plaintiff’s alleged past medical expenses are \$185,211.96. Plaintiff has



1 further alleged additional damages on which his experts have rendered calculations, as well as  
2 damages for pain and suffering. Thus, the amount in controversy is in excess of \$75,000.00.

3 **III.**

4 **ADMITTED FACTS**

5 The following facts are admitted by the parties and require no proof:

6 1. Defendant Harvey was operating a tractor trailer owned by Defendant FedEx Freight,  
7 Inc. at the time of the subject collision;

8 2. Defendant FedEx Freight, Inc. entrusted the use of the tractor trailer to Defendant  
9 Harvey, and Defendant Harvey had Defendant FedEx Freight, Inc.'s permission to operate the tractor  
10 trailer at the time of the subject collision;

11 3. Defendant Harvey was an employee and/or agent of Defendant FedEx Freight, Inc.  
12 at the time of the subject collision;

13 4. Defendant Harvey was acting within the course and scope of his employment with  
14 Defendant FedEx Freight, Inc. at all times relevant to the events described in Plaintiff's Complaint;  
15 and  
16

17 5. Defendant FedEx Freight, Inc. is vicariously liable for the alleged acts, omissions and  
18 conduct of Defendant Harvey as it pertains to the events described in Plaintiff's Complaint, including  
19 alleged negligence that may be attributed to Defendant Harvey through proceedings in this case, if  
20 any.  
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IV.

**UNCONTESTED FACTS**

The following facts, though not admitted, will not be contested at trial by evidence to the contrary: None.

V.

**ISSUES TO BE TRIED**

The following are issues of fact to be tried and determined upon trial:

1. Whether Defendants were negligent;
2. Whether Plaintiff was comparatively negligent;
3. Whether the subject collision proximately caused injuries and other damages to Plaintiff;
4. The reasonable value of special and general damages incurred by Plaintiff as a result of the subject collision;
5. Whether the medical care and treatment received by Plaintiff was reasonable and necessary as a result of the subject collision;
6. Whether the medical care and treatment received by Plaintiff was causally related to the subject collision in this litigation;
7. Whether the claimed future medical care and treatment of Plaintiff is causally related to the subject collision; and
8. The reasonableness and necessity of medical care and treatment Plaintiff will require in the future as a result of the subject collision, and the cost thereof.

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...



**V.****ISSUES OF LAW**

The following are issues of law to be tried and determined upon trial:

1. The amount of negligence, if any, attributable to each party in this litigation; and
2. Whether the subject collision was the proximate cause of Plaintiff's claimed damages, as well as the extent of said damages.

**VII.****EXHIBITS**

A. The following exhibits are stipulated into evidence in this case and may be so marked by the clerk: None.

B. As to the following exhibits, the party against whom the same will be offered objects to their admission upon the grounds stated:

**1. Plaintiff's Exhibits and Defendants' Objections thereto:**

DESCRIPTION		DEFENDANTS' GROUNDS FOR OBJECTION
1.	Plaintiff's Complaint	
2.	Nevada Highway Patrol Traffic Accident Report	
3.	Nevada Department of Public Safety Voluntary Statements	Hearsay
4.	Photographs provided by the Nevada Highway Patrol of the vehicles involved in the subject collision	
5.	Property damage estimate and photographs of Plaintiff's vehicle provided by Spring Mountain Appraisers & Adjusters	
6.	National Safety Council's article titled "Injury Facts 2017 Edition"	Foundation, relevance, authenticity
7.	National Safety Council's report titled "The State of Safety" - 2017	Foundation, relevance, authenticity



8.	State of Nevada Driver's Handbook – May 2016"	Foundation, relevance, authenticity
9.	State of Nevada Driver's Handbook – January 2018	Foundation, relevance, authenticity
10.	State of Nevada Office of Traffic Safety Annual Report Book for 2017	Foundation, relevance, authenticity
11.	National Highway Traffic Safety Administration's report titled "Traffic Safety Facts Nevada 2013-2017"	Foundation, relevance, authenticity
12.	National Highway Traffic Safety Administration's article titled "Distracted Driving in Fatal Crashes, 2017" – April 2019	Foundation, relevance, authenticity
13.	National Highway Traffic Safety Administration's article titled "Police-Reported Motor Vehicle Traffic Crashes in 2017" – April 2019	Foundation, relevance, authenticity
14.	National Highway Traffic Safety Administration's article titled "2017 State Traffic Data" – August 2019	Foundation, relevance, authenticity
15.	National Highway Traffic Safety Administration's article titled "Summary of Motor Vehicle Crashes" for 2017 – September 2019	Foundation, relevance, authenticity
16.	Federal Motor Carrier Safety Administration's report titled "Large Truck and Bus Crash Facts 2017" – March 2019	Foundation, relevance, authenticity
17.	Federal Motor Carrier Safety Administration's article titled "Commercial Motor Vehicle Traffic Safety Facts" for 2017 – July 2019	Foundation, relevance, authenticity
18.	National Highway Traffic Safety Administration's article titled "Large Trucks" for 2017 – January 2019	Foundation, relevance, authenticity
19.	Insurance Institute for Highway Safety's article titled "Large Trucks 2017" – December 2018 <a href="https://www.iihs.org/iihs/topics/t/large-trucks/fatalityfacts/large-trucks">https://www.iihs.org/iihs/topics/t/large-trucks/fatalityfacts/large-trucks</a>	Foundation, relevance, authenticity
20.	Audio file of Plaintiff's recorded statement, available for download via the following link until July 27, 2020: <a href="https://www.dropbox.com/sh/417mgrfzk23dduu/AACKuCfIZHzUits2SXWw3V37a?dl=0">https://www.dropbox.com/sh/417mgrfzk23dduu/AACKuCfIZHzUits2SXWw3V37a?dl=0</a>	
21.	Custodian of Records Declaration and documents produced by Las Vegas Township Just Court – Traffic Department in response to Plaintiff's Subpoena Duces Tecum request	Citation not admissible under Nevada law; relevance

22.	Custodian of Records Affidavit and documents produced by the Nevada Department of Motor Vehicles in response to Plaintiff's Subpoena Duces Tecum request	Foundation, relevance
23.	Custodian of Records Affidavit, body-worn camera footage, dash cam footage, photographs, and documents produced by Nevada Highway Patrol – Southern Command in response to Plaintiff's Subpoena Duces Tecum request, available for download via the following link until July 27, 2020: <a href="https://www.dropbox.com/sh/417mgrfzk23dduu/AACKuCfIZHzUits2SXWw3V37a?dl=0">https://www.dropbox.com/sh/417mgrfzk23dduu/AACKuCfIZHzUits2SXWw3V37a?dl=0</a>	
24.	Documents produced by Superior Court of California, County of San Bernardino, in response to Plaintiff's Subpoena Duces Tecum request	Relevance
25.	North American Spine Society website printout	Foundation, authenticity
26.	North American Spine Society 2021 Application for Membership	Foundation, authenticity
27.	Surgical cost letter authored by G. Michael Elkanich, M.D.	Foundation, relevance, authenticity
28.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on September 13, 2004, relating to <i>Bowdre v. Ford Motor Company</i> , Case No. 24-356	Foundation, relevance
29.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on February 29, 2005, relating to <i>Blainey v. United Airlines, Inc.</i> , Case No. 04-PC-334	Foundation, relevance
30.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on March 17, 2006, relating to <i>Hernandez v. Travelways, Inc.</i> , Case No. 03-21274	Foundation, relevance
31.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on March 28, 2006, relating to <i>Camacho v. W.D. Hardcastle and Greenwich, Inc.</i> , Case No. 2005-CI-09472	Foundation, relevance
32.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on September 19, 2006, relating to <i>Eubanks v. Cottrell, Inc.</i> , Case No. 4:05-CV-01361-DDN	Foundation, relevance





33.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on January 4, 2007, relating to <i>Frazier v. Daleen</i> , Case No. 06-CV-00620	Foundation, relevance
34.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on January 19, 2011, relating to <i>Campo v. Cooper Tire &amp; Rubber Company</i> , Case No. 2008CA012305XXXXMBAN	Foundation, relevance
35.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on April 28, 2014, relating to <i>Dolci v. ACE Transportation, LLC</i> Case No. D100291-C	Foundation, relevance
36.	Deposition transcript of C.E. "Ted" Bain, BEng, M.D., CCFP (EM) taken on May 3, 2016, relating to <i>Parker v. NGM Insurance Company</i> , Case No. 2:15-CV-2123	Foundation, relevance
37.	Defendant FedEx Freight, Inc.'s Answer to Plaintiff's Complaint	
38.	Defendant Gregory Harvey's Answer to Plaintiff's Complaint and Jury Demand	
39.	Curriculum vitae and fee schedules for Plaintiff's disclosed treating providers	Hearsay
40.	Curriculum vitae, fee schedule, and testimony history of Thomas Dunn, M.D.	Hearsay
41.	Expert reports, and supplements thereto, drafted by Thomas Dunn, M.D.	Hearsay
42.	Curriculum vitae, fee schedule, and testimony history of Robert G. Berry, M.D.	Hearsay
43.	Expert reports, and supplements thereto, drafted by Robert G. Berry, M.D.	Hearsay
44.	Curriculum vitae, fee schedule, and testimony history of Valentina Ngai, Ph.D., P. Eng.	Hearsay
45.	Expert reports, and supplements thereto, drafted by Valentina Ngai, Ph.D., P. Eng.	Hearsay
46.	Curriculum vitae, fee schedule, and testimony history of Roland D. Hoover	Hearsay
47.	Expert reports, and supplements thereto, drafted by Roland D. Hoover	Hearsay
48.	Curriculum vitae, fee schedule, and testimony history of Terrence M. Clauretie, Ph.D.	Hearsay





49.	Expert reports, and supplements thereto, drafted by Terrence M. Clauretie, Ph.D.	Hearsay
50.	Defendants' responses to written discovery	Hearsay, relevance
51.	Dashcam video to the subject incident	
52.	FedEx Freight Written Event Summary	
53.	Nevada Highway Patrol Accident Information Exchange	
54.	Nevada Highway Patrol Citation dated October 17, 2017	Citation not admissible under Nevada law; relevance
55.	Employment records from Fast Plumbing Services regarding Plaintiff	
56.	FedEx Freight Inspection Details, dated October 17, 2017	
57.	FedEx Freight Accident Report, dated October 17, 2017	
58.	FedEx Freight's Claims Notes	Relevance; reference to insurance
59.	Photographs produced by FedEx Freight CL FILE 000125 - 000143	
60.	GPS Data for Defendant Harvey produced by Defendant FedEx	
61.	Defendant Harvey's Employment File	Relevance
62.	Defendant Harvey's Driver Qualification File	Relevance
63.	Maintenance Records for the Subject Tractor Trailer	Relevance
64.	FedEx Freight Driver Manual	Relevance
65.	FedEx Freight Driver Employee Expectations (City and Road)	Relevance
66.	FedEx Freight General Fleet Facts and tractor trailer dimensions	Relevance
67.	Trailer Manifest	Relevance

68.	Gregory Harvey Route Maps for 10/16/17 – 10/17/17	
69.	FedEx Freight Training Materials (produced as Exhibits A-D in Defendant FedEx Freight's Responses to Plaintiff's Third Set of Requests for Production)	Relevance
70.	Smith System DVD, Pamphlet, and Training Materials	Relevance
71.	Education Transcript	Relevance
72.	Mark Rosen, M.D.'s initial report and all supplements thereto	Hearsay
73.	Mark Rosen, M.D.'s curriculum vitae, fee schedule, complete expert file, and testimony history	Hearsay
74.	Plaintiff's medical and billing records from Active Body Chiropractic	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident before said records are admissible
75.	Plaintiff's medical and billing records from Las Vegas Radiology c/o Canyon Medical Billing, LLC	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident before said records are admissible
76.	Plaintiff's medical and billing records from Western Regional Center for Brain & Spine Surgery	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
77.	Plaintiff's medical and billing records from Advanced Orthopedics & Sports Medicine	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
78.	Plaintiff's medical and billing records from Valley Hospital Medical Center c/o DCP Holdings, LLC	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible

79.	Plaintiff's medical and billing records from Desert Radiology	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
80.	Plaintiff's medical and billing records from Aurora Diagnostics LMC Pathology Services	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
81.	Plaintiff's medical and billing records from Las Vegas Neurosurgical Institute Center for Spine and Brain Surgery	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
82.	Plaintiff's medical and billing records from Monitoring Associates s/o DCP Holdings, LLC	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
83.	Plaintiff's medical and billing records from Neuromonitoring Associates c/o DCP Holdings, LLC	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
84.	Plaintiff's medical and billing records from Surgical Anesthesia Services, LLP	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
85.	Plaintiff's medical and billing records from Suditi	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible
86.	Plaintiff's medical and billing records from Dura Medic, LLC	Plaintiff must establish that all medical and billing records are reasonable, necessary and causally related to the subject incident, before said records are admissible

Plaintiff reserves his right to object to the aforementioned exhibits or portions thereof.

Subject to any sustained objections, orders on motions in limine and stipulations entered into by





1 the parties, Plaintiff reserves the right to use any and all writings, published works, journals,  
2 treatises, medical texts, affidavits, films, drawings, graphs, charts, photographs, reports,  
3 computer tapes, computer discs, and other data compilations, and other medical reference  
4 materials which Plaintiff, Plaintiff's treating physicians, and/or Plaintiff's experts use in support  
5 of Plaintiff's allegations. Plaintiff further reserves the right to offer documents produced by any  
6 party in which experts and/or treating physicians have reviewed and formed an opinion based  
7 on each document including, but not limited to, reports, pleadings, correspondence, notes,  
8 photographs, videos, measurements, literature, as well as medical records and billing. Plaintiff's  
9 treating providers may utilize any and all writings, published works, journals, treatises, medical  
10 texts, affidavits, films, drawings, graphs, charts, photographs, reports, computer tapes, computer  
11 discs, and other data compilations, and other medical reference materials which Plaintiff and/or  
12 Plaintiff's treating physicians use in support of Plaintiff's allegations, and/or those referenced  
13 by Defendants' experts.

14 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
15 into by the parties, Plaintiff reserves the right to use reports, affidavits and corresponding  
16 documentation, supplements, job files, *curriculum vitae*, lists of prior testimony, fee schedules,  
17 billings statements, models, charts, diagrams, literature, and other relevant documents of  
18 Plaintiff's treating providers, Plaintiff's experts, and Defendants' experts.

19 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
20 into by the parties, deposition transcripts and/or videotapes may be used as needed for rebuttal,  
21 impeachment, and to refresh recollection. Deposition transcripts and/or videotapes may also be  
22 used for direct examination if the witness is unavailable at the time of trial. Plaintiff reserves  
23  
24  
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28

1 the right to use exhibits attached to deposition transcripts. Such deposition transcripts and/or  
2 videotapes include any depositions taken in this matter.

3 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
4 into by the parties, Plaintiff reserves the right to use exhibits disclosed and/or offered by any  
5 party in this matter, including Defendants, at the time of trial. Such documents may include all  
6 parties' NRCP 16.1 disclosures and discovery responses, as well as documents or tangible things  
7 itemized or referenced therein and/or attached thereto, whether in hard copy, on CD, or  
8 otherwise.  
9

10 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
11 into by the parties, Plaintiff reserves the right to use any and all documents needed for rebuttal or  
12 impeachment including, but not limited to, all discovery obtained during the course of litigation  
13 as permitted, pleadings, and other documentation in accordance with admissible evidence.  
14

15 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
16 into by the parties, Plaintiff reserves the right to utilize any and all documents produced by  
17 Defendants, and further reserve the right to add, delete or amend Plaintiff's exhibits as may  
18 become necessary prior to the trial of this case. Plaintiff reserves the right to object to the  
19 admission of the foregoing and any other exhibits offered by Defendants.  
20

21 In addition to the above objections:

22 a. Plaintiff reserves the right to make further objections regarding Defendants'  
23 proposed exhibits, including objections under FRCP 402, FRCP 403 and the collateral source rule;  
24

25 b. Plaintiff further objects to the extent that any exhibits involve matters in violation  
26 of any orders of the Court;  
27  
28



1 c. Plaintiff objects to Defendants' use of deposition transcripts at the time of trial  
2 other than for witnesses who are not available, to refresh recollection, or to impeach;

3 d. Plaintiff reserves all objections to Defendants' proposed trial exhibits other than  
4 those to be admitted into evidence by stipulation;

5 e. Plaintiff reserves the right to supplement or amend his objections as exhibits are  
6 introduced and to the extent that additional documents/exhibits, if any, are identified;

7 f. Plaintiff objects to all disclosures which are not properly authenticated at the time  
8 of trial;

9 g. Plaintiff objects to each of Defendants' disclosures to the extent that those  
10 disclosures contain impermissible hearsay, are irrelevant, are not properly identified, are  
11 duplicative, are more prejudicial than probative, contain impermissible character evidence and/or  
12 have the tendency to mislead or confuse the jury;

13 h. Plaintiff objects to Defendants' designation of all expert witness reports as trial  
14 exhibits as expert witness reports are improper exhibits for submission to the jury;

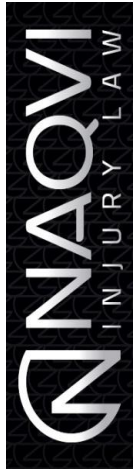
15 i. Plaintiff reserves the right to make further objections to Defendants' proposed  
16 exhibits and witnesses at the time of trial, including all permissible objections based on the Federal  
17 Rules of Civil Procedure, United States District Court District of Nevada Local Rules of Practice,  
18 and Federal Rules of Evidence; and

19 j. Plaintiff does not waive the right to use or offer any of the foregoing evidence by  
20 virtue of the stated objections. Plaintiff reserves the right to present the aforementioned evidence  
21 at the time of trial for permissible and admissible purposes.

22 **2. Defendants' List of Exhibits and Plaintiff's Objections thereto:**

DESCRIPTION	PLAINTIFF'S
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		GROUNDS FOR OBJECTION
1.	Audio file of Plaintiff's recorded statement	Plaintiff objects as to authenticity, foundation, and to the extent information is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, does not fairly and accurately depict the incident at issue, contains impermissible hearsay, and to the extent these items are otherwise excluded by the Court.
2.	Audio recording obtained during the May 27, 2020 Independent Medical Examination of Plaintiff	Plaintiff objects as to authenticity, foundation, and to the extent information is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, does not fairly and accurately depict the incident at issue, contains impermissible hearsay, and to the extent these items are otherwise excluded by the Court.
3.	Commercial Driver's License for Gregory Harvey	Plaintiffs object only to the extent the information is confusing, misleading, poses a risk of unfair prejudice, based on impermissible hearsay, or concerns matters excluded by the Court.
4.	Dashcam video of the subject incident	Plaintiff objects as to authenticity, foundation, and to the extent information is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, does not fairly and accurately depict the incident at issue, contains impermissible hearsay, and to the extent these items are otherwise excluded by the Court.
5.	FedEx Freight Accident Report	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
6.	FedEx Freight Inspection Details	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on





		impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
7.	FedEx Freight Written Event Summary	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
8.	GPS data	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
9.	Gregory Harvey Route Maps for 10/16/17 – 10/17/17	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
10.	Hunter Investigative Group surveillance materials regarding Plaintiff Phillip Elwell	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible



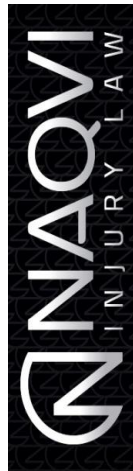
		conclusions.
11.	Incident Video, subject to the Stipulated Protective Order entered on December 13, 2019	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay.
12.	Nevada Department of Public Safety Voluntary Statements	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
13.	Nevada Highway Patrol Accident Information Exchange	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay.
14.	Nevada Highway Patrol materials obtained in response to Subpoena Duces Tecum	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
15.	Nevada Highway Patrol – Southern Command Custodian of Records Affidavit, body-worn camera footage, dash cam footage, photographs, and documents produced by in response to Plaintiff's Subpoena Duces Tecum request	Plaintiff objects as to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
16.	Photographs taken by the Nevada Highway Patrol of the vehicles involved in the subject collision	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses



		a danger of unfair prejudice, based on impermissible hearsay.
17.	Property damage estimate and photographs for Plaintiff's vehicle taken by Spring Mountain Appraisers & Adjusters	Plaintiff objects as to authenticity, foundation, and to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay.
18.	Active Body Chiropractic radiology images	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay.
19.	Active Body Chiropractic medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
20.	Active Body Chiropractic completed patient documents	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
21.	Advanced Orthopedics & Sports Medicine radiology images	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
22.	Advanced Orthopedics & Sports Medicine medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified



		medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
23.	Canyon Medical Billing/Las Vegas Radiology medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay.
24.	Desert Radiology medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay.
25.	Dura Medic records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
26.	Las Vegas Neurosurgical Institute Center for Spine and Brain Surgery medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
27.	Las Vegas Radiology medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
28.	Las Vegas Radiology images	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on



		impermissible hearsay.
29.	Monitoring Associates medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
30.	Neuromonitoring Associates medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
31.	Suditi medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
32.	Valley Hospital Medical Center radiology images for 06/26/2018 through 06/29/2018	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay.
33.	Valley Hospital Medical Center medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
34.	Western Regional Center for Brain & Spine Surgery medical records	Plaintiff objects to the extent information within said document is irrelevant, misleading, confusion of the issues, poses

	a danger of unfair prejudice, based on impermissible hearsay, unqualified medical opinions, opinions requiring expert knowledge, impermissible speculative opinions, and impermissible conclusions.
--	---

Defendants reserve their right to object to the aforementioned exhibits or portions thereof at the time of trial based on relevance, hearsay, or lack of foundation. Subject to any sustained objections, orders on motions in limine and stipulations entered into by the parties, Defendants reserve the right to use any and all writings, published works, journals, treatises, medical texts, affidavits, films, drawings, graphs, charts, photographs, reports, computer tapes, computer discs, and other data compilations, and other medical reference materials which Defendants, Plaintiff's treating physicians, and/or Defendants' experts use in support of Defendants' defenses. Defendants further reserve the right to offer documents produced by any party in which experts and/or treating physicians have reviewed and formed an opinion based on each document including, but not limited to, reports, pleadings, correspondence, notes, photographs, videos, measurements, literature, as well as medical records and billing. Defendants' may utilize any and all writings, published works, journals, treatises, medical texts, affidavits, films, drawings, graphs, charts, photographs, reports, computer tapes, computer discs, and other data compilations, and other medical reference materials referenced by their experts.

Subject to any sustained objections, orders on motions in limine, and stipulations entered into by the parties, Defendants reserve the right to use reports, affidavits and corresponding documentation, supplements, job files, curriculum vitae, lists of prior testimony, fee schedules, billings statements, models, charts, diagrams, literature, and other relevant documents of Plaintiff's treating providers, Plaintiff's experts, and Defendants' experts.



1 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
2 into by the parties, deposition transcripts and/or videotapes may be used as needed for rebuttal,  
3 impeachment, and to refresh recollection. Deposition transcripts and/or videotapes may also be  
4 used for direct examination if the witness is unavailable at the time of trial. Defendants reserve  
5 the right to use exhibits attached to deposition transcripts. Such deposition transcripts and/or  
6 videotapes include any depositions taken in this matter.  
7

8 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
9 into by the parties, Defendants reserve the right to use exhibits disclosed and/or offered by any  
10 party in this matter, including Plaintiff, at the time of trial. Such documents may include all  
11 parties' NRCP 16.1 disclosures and discovery responses, as well as documents or tangible things  
12 itemized or referenced therein and/or attached thereto, whether in hard copy, on CD, or  
13 otherwise.  
14

15 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
16 into by the parties, Defendants reserve the right to use any and all documents needed for rebuttal  
17 or impeachment including, but not limited to, all discovery obtained during the course of litigation  
18 as permitted, pleadings, and other documentation in accordance with admissible evidence.  
19

20 Subject to any sustained objections, orders on motions in limine, and stipulations entered  
21 into by the parties, Defendants reserve the right to utilize any and all documents produced by  
22 Plaintiff, and further reserve the right to add, delete or amend Defendants' exhibits as may become  
23 necessary prior to the trial of this case. Defendants reserve the right to object to the admission of  
24 the foregoing and any other exhibits offered by Plaintiffs.  
25

26 In addition to the above objections:  
27  
28





1 k. Defendants reserve the right to make further objections regarding Plaintiff's  
2 proposed exhibits, including objections under FRCP 402, FRCP 403 and the collateral source rule;

3 l. Defendants further object to the extent that any exhibits involve matters in violation  
4 of any orders of the Court;

5 m. Defendants object to Plaintiff's use of deposition transcripts at the time of trial  
6 other than for witnesses who are not available, to refresh recollection, or to impeach;

7 n. Defendants reserve all objections to Plaintiff's proposed trial exhibits other than  
8 those to be admitted into evidence by stipulation;

9 o. Defendants reserve the right to supplement or amend his objections as exhibits are  
10 introduced and to the extent that additional documents/exhibits, if any, are identified;

11 p. Defendants object to all disclosures which are not properly authenticated at the  
12 time of trial;

13 q. Defendants object to each of Plaintiff's disclosures to the extent that those  
14 disclosures contain impermissible hearsay, are irrelevant, are not properly identified, are  
15 duplicative, are more prejudicial than probative, contain impermissible character evidence and/or  
16 have the tendency to mislead or confuse the jury;

17 r. Defendants object to Plaintiff's designations of all expert witness reports as trial  
18 exhibits as expert witness reports are improper exhibits for submission to the jury;

19 s. Defendants reserve the right to make further objections to Plaintiff's proposed  
20 exhibits and witnesses at the time of trial, including all permissible objections based on the Federal  
21 Rules of Civil Procedure, United States District Court District of Nevada Local Rules of Practice,  
22 and Federal Rules of Evidence; and  
23  
24  
25  
26  
27  
28



1 t. Defendants do not waive the right to use or offer any of the foregoing evidence by  
2 virtue of the stated objections. Defendants reserve the right to present the aforementioned  
3 evidence at the time of trial for permissible and admissible purposes.

4 **3. Demonstrative Exhibits**

5 The parties reserve all appropriate objections to demonstrative exhibits for the time of trial.

6 **C. Evidence in Electronic Format**

7 The parties intend to present evidence in electronic format to jurors for the purposes of  
8 jury deliberations. Although it is not known at this time which exhibits will be electronically  
9 presented, the parties stipulate that they will provide discovery in an electronic format compatible  
10 with the Court's electronic jury evidence display system. The parties stipulate that they will  
11 contact the courtroom administrator for instructions about how to prepare evidence in an electronic  
12 format and other requirements for the Court's electronic jury evidence display system.

13 **D. Depositions**

14 **Plaintiff will offer the following depositions:** Plaintiff does not intend to read any  
15 depositions into the record at this time, but reserves the right to use depositions due to deponent  
16 unavailability, to refresh recollection and/or to impeach. The depositions in this matter include the  
17 following:  
18

- 19 1. Plaintiff Phillip Elwell;
- 20 2. Defendant Gregory Harvey;
- 21 3. Defendants FedEx Freight, Inc. 30(b)(6) designee, Nicholas Gilmour;
- 22 4. Mark J. Rosen, M.D.;
- 23 5. Valentina Ngai, Ph.D., P. Eng.;
- 24 6. Jason E. Garber, M.D.;
- 25
- 26
- 27
- 28



1 7. Robert G. Berry, M.D.;

2 8. Roland D. Hoover; and

3 9. Timothy Trainor, M.D.

4 **Defendants will offer the following depositions:** Defendants do not intend to read any  
5 depositions into the record at this time, but reserve the right to use depositions due to deponent  
6 unavailability, to refresh recollection and/or to impeach. The depositions in this matter include the  
7 following:  
8

9 1. Plaintiff Phillip Elwell;

10 2. Defendant Gregory Harvey;

11 3. Defendants FedEx Freight, Inc.'s 30(b)(6) designee, Nicholas Gilmour;

12 4. Mark J. Rosen, M.D.;

13 5. Valentina Ngai, Ph.D., P. Eng.;

14 6. Jason E. Garber, M.D.;

15 7. Robert G. Berry, M.D.;

16 8. Roland D. Hoover; and

17 9. Timothy Trainor, M.D.

18  
19 **E. Objections to Depositions**

20 **Plaintiff objects to Defendants' depositions as follows:** Plaintiff objects to Defendants'  
21 use of deposition transcripts for anything other than unavailability of a witness, impeachment, and  
22 to refresh recollection.  
23

24 **Defendants object to Plaintiff's depositions as follows:** Defendants object to Plaintiff's  
25 use of deposition transcripts for anything other than unavailability of a witness, impeachment, and  
26 to refresh recollection.  
27  
28



**VIII.**

**DEMONSTRATIVE EVIDENCE**

**A. Plaintiff's Demonstrative Evidence:**

Subject to any objections, orders on motions in limine, and stipulations entered into by the parties, Plaintiff may offer at trial certain exhibits for demonstrative purposes, including, but not limited to, the following:

1. Power point and/or other computer program used for presenting, expanding, blowing-up, or zooming in on any video, images, documents, animations, graphics and any other exhibits included herein;

2. Computer simulation, finite element analysis, and similar forms of computer visualization;

3. Video, storyboard and/or power point images, blow ups and/or transparencies of exhibits;

4. Diagrams and/or models of the human body, specifically related to Plaintiff's injuries;

5. Surgical timeline;

6. Medical treatment timeline;

7. Future medical timeline;

8. Photographs of the parties and other witnesses;

9. Chart depicting Plaintiff's medical specials;

10. Samples of hardware such as, but not limited to, any hardware related to Plaintiff's injuries and surgeries;

11. Items used to demonstrate and/or reenact Plaintiff's injuries;



1 12. Photographs and videos of surgical procedures and other diagnostic tests;

2 13. Actual diagnostic studies;

3 14. Samples of tools, plates, screws and equipment used in the surgery that was  
4 performed and/or is recommended to be performed on Plaintiff;

5 15. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various  
6 parts of the human body, diagnostic tests and surgical procedures;

7 16. Power point, images, drawings, diagrams, animations, Google Maps and/or  
8 storyboards of the parties involved, the location of the subject incident, and/or reenactments of the  
9 incident at issue;

10 17. All radiology films, x-rays, MRI, CT-scans, videos and diagnostic  
11 testing/documentation taken in connection with the care and treatment rendered to Plaintiff as a  
12 result of the subject incident including, but not limited to, all films; and

13 18. Plaintiff reserves the right to introduce any exhibits produced or referenced by  
14 Defendants, assuming the proper evidentiary foundation is laid, including, but not limited to:

15 a. All pleadings, including, but not limited to, the Complaint, Answers, and  
16 amendments to all of the foregoing;

17 b. All parties' 16.1 Disclosures and Discovery responses, as well as  
18 documents or tangible things itemized or referenced therein and/or attached thereto, whether in  
19 hard copy, on CD, or otherwise;

20 c. All deposition transcripts, CDs, videotapes or digital recordings taken at  
21 such depositions, all exhibits attached thereto, and all documents or tangible things referenced  
22 therein;

23

24

25

26

27

28



1 d. All other records obtained from any party or any third-party person or  
2 entity;

3 e. All medical, employment, educational, disability, financial or other records  
4 regarding Plaintiff prior to, during, or subsequent to the event at issue;

5 f. All statements or reports of any witness, and all exhibits or other  
6 documentary evidence attached to or referenced in any such statement, report, or other document  
7 or tangible thing;

8 g. All experts' files, reports, curricula vitae, supplements, addendums, fee  
9 schedules, billing statements, models, charts, diagrams, literature, and prior deposition, trial or  
10 other testimony; and

11 h. Any other documentary evidence or tangible thing or exhibit discovered  
12 during the course of this litigation or disclosed by any other party, regardless of whether that party  
13 attempts to delist it or fails to use it at time of trial.

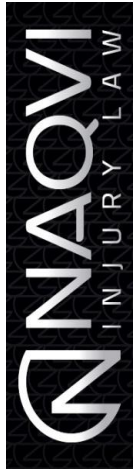
14 **B. Defendants' Demonstrative Evidence:**

15 Subject to any objections, orders on motions in limine, and stipulations entered into by the  
16 parties, Defendants may offer at trial certain exhibits for demonstrative purposes, including, but  
17 not limited to, the following:  
18

19 1. Power point and/or other computer program used for presenting, expanding,  
20 blowing-up, or zooming in on any video, images, documents, animations, graphics and any other  
21 exhibits included herein;

22 2. Computer simulation, finite element analysis, and similar forms of computer  
23 visualization;  
24





- 1           3.     Video, storyboard and/or power point images, blow ups and/or transparencies of
- 2 exhibits;
- 3           4.     Diagrams and/or models of the human body, specifically related to Plaintiff's
- 4 injuries;
- 5           5.     Surgical timeline;
- 6           6.     Medical treatment timeline;
- 7           7.     Future medical timeline;
- 8           8.     Photographs of the parties and other witnesses;
- 9           9.     Chart depicting Plaintiff's medical specials;
- 10          10.    Samples of hardware such as, but not limited to, any hardware related to Plaintiff's
- 11 injuries and surgeries;
- 12          11.    Items used to demonstrate and/or reenact Plaintiff's injuries;
- 13          12.    Photographs and videos of surgical procedures and other diagnostic tests;
- 14          13.    Actual diagnostic studies;
- 15          14.    Samples of tools, plates, screws and equipment used in the surgery that was
- 16 performed and/or is recommended to be performed on Plaintiff;
- 17          15.    Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various
- 18 parts of the human body, diagnostic tests and surgical procedures;
- 19          16.    Power point, images, drawings, diagrams, animations, Googlemaps and/or
- 20 storyboards of the parties involved, the location of the subject incident, and/or reenactments of the
- 21 incident at issue;
- 22
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1           17. All radiology films, x-rays, MRI, CT-scans, videos and diagnostic  
2 testing/documentation taken in connection with the care and treatment rendered to Plaintiff as a  
3 result of the subject incident including, but not limited to, all films; and

4           18. Defendants reserve the right to introduce any exhibits produced or referenced by  
5 Plaintiff, assuming the proper evidentiary foundation is laid, including, but not limited to:

6           a. All pleadings, including, but not limited to, the Complaint, Answers, and  
7 amendments to all of the foregoing;

8           b. All parties' 16.1 Disclosures and Discovery responses, as well as  
9 documents or tangible things itemized or referenced therein and/or attached thereto, whether in  
10 hard copy, on CD, or otherwise;

11           c. All deposition transcripts, CDs, videotapes or digital recordings taken at  
12 such depositions, all exhibits attached thereto, and all documents or tangible things referenced  
13 therein;

14           d. All other records obtained from any party or any third-party person or  
15 entity;

16           e. All medical, employment, educational, disability, financial or other records  
17 regarding Plaintiff prior to, during, or subsequent to the event at issue;

18           f. All statements or reports of any witness, and all exhibits or other  
19 documentary evidence attached to or referenced in any such statement, report, or other document  
20 or tangible thing;

21           g. All experts' files, reports, curricula vitae, supplements, addendums, fee  
22 schedules, billing statements, models, charts, diagrams, literature, and prior deposition, trial or  
23 other testimony; and  
24  
25  
26  
27  
28



1 h. Any other documentary evidence or tangible thing or exhibit discovered  
2 during the course of this litigation or disclosed by any other party, regardless of whether that party  
3 attempts to delist it or fails to use it at time of trial.

4 **IX.**

5 **WITNESSES**

6 The following witnesses may be called upon by the parties at trial:

7 **Plaintiff's witnesses:**

- 8
- 9 a. Phillip Elwell  
10 c/o Farhan R. Naqvi, Esq., and  
11 Paul G. Albright, Esq.  
12 NAQVI INJURY LAW  
13 9500 West Flamingo Road, Suite 104  
14 Las Vegas, Nevada 89147  
15 Telephone: (702) 553-1000
- 16 b. Gregory Harvey  
17 c/o J. Bruce Alverson, Esq., and  
18 Karie N. Wilson, Esq.  
19 ALVERSON TAYLOR & SANDERS  
20 6605 Grand Montecito Parkway, Suite 200  
21 Las Vegas, Nevada 89149  
22 Telephone: (702) 384-7000
- 23 c. 30(b)(6) Designee(s) and/or Person(s) Most Knowledgeable of  
24 FedEx Freight, Inc.  
25 c/o J. Bruce Alverson, Esq., and  
26 Karie N. Wilson, Esq.  
27 ALVERSON TAYLOR & SANDERS  
28 6605 Grand Montecito Parkway, Suite 200  
Las Vegas, Nevada 89149  
Telephone: (702) 384-7000
- d. Trooper Toone  
ID. No. H6719  
Nevada Highway Patrol  
4615 West Sunset Road  
Las Vegas, Nevada 89118  
Telephone: (702) 486-4110





- 1 e. Sergeant Silvio Diaz  
2 Nevada Highway Patrol  
3 4615 West Sunset Road  
4 Las Vegas, Nevada 89118  
5 Telephone: (702) 486-4110
- 6 f. Arthur "Artie" Kaye, Appraiser for  
7 Spring Mountain Appraisers & Adjusters  
8 P.O. Box 81704  
9 Las Vegas, Nevada 89180  
10 Telephone: (702) 253-0400
- 11 g. Person(s) Most Knowledgeable and/or  
12 Custodian of Records for  
13 Spring Mountain Appraisers & Adjusters  
14 P.O. Box 81704  
15 Las Vegas, Nevada 89180  
16 Telephone: (702) 253-0400
- 17 h. Cal Hinebanch  
18 4505 Hacienda Avenue, Unit C  
19 Las Vegas, Nevada 89118  
20 Telephone: (702) 873-5500
- 21 i. Nicholas Gilmour, Person Most Knowledgeable of  
22 FedEx Freight, Inc. d/b/a FedEx Freight d/b/a FedEx Freight, SLV  
23 c/o J. Bruce Alverson, Esq., and  
24 Karie N. Wilson, Esq.  
25 ALVERSON TAYLOR & SANDERS  
26 6605 Grand Montecito Parkway, Suite 200  
27 Las Vegas, Nevada 89149  
28 Telephone: (702) 384-7000
- j. Joedee McCullough  
FedEx Freight, Inc. d/b/a FedEx Freight d/b/a FedEx Freight, SLV  
c/o J. Bruce Alverson, Esq., and  
Karie N. Wilson, Esq.  
ALVERSON TAYLOR & SANDERS  
6605 Grand Montecito Parkway, Suite 200  
Las Vegas, Nevada 89149  
Telephone: (702) 384-7000
- k. Patrick Langin Adjuster for  
Employers Mutual Casualty Company

P.O. Box 5760  
Peoria, Arizona 85385  
Telephone: (623) 760-1500

l. Las Vegas Justice Township Justice Court  
Traffic Department  
Person(s) Most Knowledgeable and/or  
Custodian of Records  
200 Lewis Avenue  
1st Floor – Regional Justice Center  
Las Vegas, Nevada 89101  
Telephone: (702) 671-3478

m. Nevada Department of Motor Vehicles  
Laura P. Peralta, and/or  
Person(s) Most Knowledgeable and/or  
Custodian of Records  
555 Wright Way  
Carson City, Nevada 89711  
Telephone: (775) 684-4590

n. Nevada Highway Patrol – Southern Command  
Sandy Nelson, and/or  
Person(s) Most Knowledgeable and/or  
Custodian of Records  
4615 West Sunset Road  
Las Vegas, Nevada 89118  
Telephone: (702) 432-5389

o. Superior Court of California  
County of San Bernardino  
Person Most Knowledgeable and/or  
Custodian of Records  
247 West Third Street  
San Bernardino, California 92415  
Telephone: (909) 384-1888

p. Dave Rocco, Supervisor  
c/o J. Bruce Alverson, Esq., and  
Karie N. Wilson, Esq.  
ALVERSON TAYLOR & SANDERS  
6605 Grand Montecito Parkway, Suite 200  
Las Vegas, Nevada 89149  
Telephone: (702) 384-7000

q. Mark J. Rosen, M.D.  
Bone & Joint Specialists



2020 Palomino Lane, Suite 1100  
Las Vegas, Nevada 89106  
Telephone: (702) 474-7200

r. G. Michael Elkanich, M.D.  
Bone & Joint Specialists  
2020 Palomino Lane, Suite 1100  
Las Vegas, Nevada 89106  
Telephone: (702) 474-7200

s. Active Body Chiropractic  
Cade L. Smith, D.C., and/or  
Glen Cochrane, D.C. and/or  
Danial Brennan, D.C., and/or  
Jesse G. Imber, LMT, and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
8945 West Post Road, Suite 105  
Las Vegas, Nevada 89148  
Telephone: (702) 254-1222

t. Las Vegas Radiology  
Bhuvana P. Kittusamy, M.D., and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
7500 Smoke Ranch Road, Suite 100  
Las Vegas, Nevada 89128  
Telephone: (702) 254-5004

u. Western Regional Center For Brain & Spine Surgery  
Jason E. Garber, M.D., and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
2471 Professional Court  
Las Vegas, Nevada 89128  
Telephone: (702) 835-0088

v. Advanced Orthopedics & Sports Medicine  
Timothy J. Trainor, M.D., and/or  
Maria-Elena Pierro, PA-C and/or  
Adam W. Range, PA-C, and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
7195 Advanced Way  
Las Vegas, Nevada 89113



Telephone: (702) 740-5327

- 1
- 2 w. Valley Hospital Medical Center
- 3 Jason E. Garber, M.D., and/or
- 4 Mohi E. Alkadri, M.D., and/or
- 5 Eric Moldestad, M.D., and/or
- 6 Noel S. Yumiaco, M.D., and/or
- 7 Morton Hyson, M.D., and/or
- 8 Bruce T. Burnett, M.D., and/or
- 9 Shahrokh Assemi, M.D., and/or
- 10 Sujay L. Patel, D.O., and/or
- 11 Dustin Van Orman, PA-C, and/or
- 12 Jennifer Westmoreland, PA-C, and/or
- 13 Dominga Colon, RN, and/or
- 14 Sheree McLafferty, B.S., CNIM, and/or
- 15 Brandon Sok, RN, and/or
- 16 Ryan Howard, PT, and/or
- 17 Pamela Morales, OT, and/or
- 18 Person Most Knowledgeable and/or
- 19 Custodian of Records
- 20 620 Shadow Lane
- 21 Las Vegas, Nevada 89106
- 22 Telephone: (702) 894-5700
- 23
- 24 x. Desert Radiology
- 25 Eric Moldestad, M.D., and/or
- 26 Person Most Knowledgeable and/or
- 27 Custodian of Records
- 28 P.O. Box 3057
- Indianapolis, Indiana 46206
- Telephone: (888) 727-1074
- 
- y. Aurora Diagnostics LMC Pathology Services
- Noel S. Yumiaco M.D., and/or
- Person Most Knowledgeable and/or Custodian of Records
- 7455 West Washington Avenue, Suite 301
- Las Vegas, Nevada 89128
- Telephone: (702) 732-3441
- z. Las Vegas Neurosurgical Institute
- Center for Spine and Brain Surgery
- Jason E. Garber, M.D., and/or
- Dustin Van Orman, PA-C, and/or
- Person Most Knowledgeable and/or
- Custodian of Records
- 3012 South Durango Drive



Las Vegas, Nevada 89117  
Telephone: (702) 835-0088

aa. Monitoring Associates  
Morton Hyson, M.D., and/or  
Sheree McLafferty, B.S., C.N.I.M., and/or  
Bruce T. Burnett, M.D., and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
9811 West Charleston Boulevard, Suite 2-641  
Las Vegas, Nevada 89117  
Telephone: (800) 310-7334

bb. Neuromonitoring Associates  
Sheree McLafferty, B.S., C.N.I.M., and/or  
Morton Hyson, M.D., and/or  
Bruce T. Burnett, M.D., and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
9811 West Charleston Boulevard, Suite 2-641  
Las Vegas, Nevada 89117  
Telephone: (800) 310-7334

cc. Surgical Anesthesia Services, LLP  
Bruce T. Burnett, M.D., and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
8400 West Lake Mead Boulevard, Suite 202  
Las Vegas, Nevada 89128  
Telephone: (702) 395-1070

dd. Suditi  
Sujay L. Patel, D.O., and/or  
Person Most Knowledgeable and/or  
Custodian of Records  
2505 Anthem Village Drive, Suite E 134  
Henderson, Nevada 89052  
Telephone: (702) 453-3799

ee. Dura Medic, LLC  
Person Most Knowledgeable and/or  
Custodian of Records  
P.O. Box 2728  
Austin, Texas 78768  
Telephone: (512) 320-5400





1 Plaintiff reserves the right to call at trial any of the witnesses identified in Defendants' list  
2 of witnesses and any other witnesses that are otherwise permitted to testify including, but not  
3 limited to, any person not named herein for rebuttal/impeachment purposes. Plaintiff further  
4 reserves the right to call any Custodian of Records as may be necessary to testify as to the  
5 authenticity of the medical and billing records associated with Plaintiff's care and treatment.  
6 Plaintiff reserves the right to object to the foregoing and any other witnesses identified and/or  
7 called by Defendants.  
8

9  
10 **Defendants' witnesses:**

- 11 a. Phillip Elwell  
12 c/o Paul G. Albright, Esq.  
13 NAQVI INJURY LAW  
14 9500 West Flamingo Road, Suite 104  
15 Las Vegas, Nevada 89147
- 16 b. Gregory Harvey  
17 c/o Karie N. Wilson, Esq.  
18 ALVERSON TAYLOR & SANDERS  
19 6605 Grand Montecito Parkway, Suite 200  
20 Las Vegas, Nevada 89149
- 21 c. Nicholas Gilmour  
22 c/o Karie N. Wilson, Esq.  
23 ALVERSON TAYLOR & SANDERS  
24 6605 Grand Montecito Parkway, Suite 200  
25 Las Vegas, Nevada 89149
- 26 d. Cade L. Smith, D.C., or  
27 Person Most Knowledgeable and/or Custodian of Records  
28 Active Body Chiropractic  
8945 West Post Road, Suite 105  
Las Vegas, Nevada 89148
- e. Person Most Knowledgeable and/or Custodian of Records  
Canyon Medical Billing  
6325 South Jones Boulevard, Suite 400  
Las Vegas, Nevada 89118





- 1 f. Bhuvana P. Kittusamy, M.D., or  
2 Person Most Knowledgeable and/or Custodian of Records  
3 Las Vegas Radiology  
4 7500 Smoke Ranch Road, Suite 100  
5 Las Vegas, Nevada 89128
- 6 g. Jason E. Garber, M.D., or  
7 Person Most Knowledgeable and/or Custodian of Records  
8 Las Vegas Neurosurgical Institute Center for Spine and Brain Surgery  
9 3012 South Durango Drive  
10 Las Vegas, Nevada 89117
- 11 h. Person Most Knowledgeable and/or Custodian of Records  
12 Dura Medic LLC  
13 PO Box 2728  
14 Austin, Texas 78768
- 15 i. Person Most Knowledgeable and/or Custodian of Records  
16 Southern Nevada Billing  
17 2660 Crimson Canyon Drive, Suite 130  
18 Las Vegas, Nevada 89128
- 19 j. Sujay L. Patel, D.O. and/or Person Most Knowledgeable  
20 Suditi  
21 2505 Anthem Village Drive, Suite E 134  
22 Henderson, Nevada 89052
- 23 k. Bruce T. Burnett, M.D., or  
24 Person Most Knowledgeable and/or Custodian of Records  
25 Surgical Anesthesia Services  
26 8400 West Lake Mead Boulevard, Suite 202  
27 Las Vegas, Nevada 89128
- 28 l. R. Toone, Badge # H6719  
Nevada Highway Patrol  
Southern Command  
4615 West Sunset Road  
Las Vegas, Nevada 89118
- m. Scott Hunter  
Hunter Investigative Group, Inc.  
11700 West Charleston Boulevard, Suite 170-267  
Las Vegas, Nevada 89135

- 1 n. Timothy Trainor, M.D. and/or Person Most Knowledgeable  
2 Advanced Orthopedics and Sports Medicine  
3 8420 West Warm Springs Suite 100  
4 Las Vegas, Nevada 89113
- 5 o. Morton Hyson, M.D. and/or Person Most Knowledgeable  
6 Monitoring Associates  
7 9811 West Charleston Boulevard, Suite 2-641  
8 Las Vegas, Nevada 89117
- 9 p. Pat Langin  
10 EMC Insurance Company  
11 16150 North Arrowhead Fountain Center Drive, Suite 350  
12 Peoria, Arizona 85382
- 13 q. Thomas Dunn, M.D.  
14 Desert Orthopaedic Center  
15 2800 E. Desert Inn. Rd., Suite 100  
16 Las Vegas, NV 89121
- 17 r. Noel S. Yumiaco M.D., or  
18 Person Most Knowledgeable and/or Custodian of Records  
19 Aurora Diagnostics LMC Pathology Services  
20 7455 West Washington Avenue, Suite 301  
21 Las Vegas, Nevada 89128  
22 Telephone: (702) 732-3441
- 23 s. Mark Rosen, M.D.  
24 2020 Palomino Lane, Suite 110  
25 Las Vegas, Nevada 89106
- 26 t. Ted Bain, MD, CCFP  
27 5711 University Heights Blvd., Suite 107  
28 San Antonio, Texas 78249

Defendants reserve the right to call or cross-examine any and all witnesses identified by the other parties herein. Defendants further reserve the right to call any Custodian of Records as may be necessary to testify as to the authenticity of the medical and billing records associated with Plaintiff's care and treatment. Defendants reserve the right to object to the foregoing and any other witnesses identified and/or called by Plaintiff.



X.

**TRIAL DATE**

Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:

1. June 7, 2021
2. June 14, 2021
3. June 21, 2021

It is expressly understood by the undersigned that the court will set the trial of this matter on one (1) of the agreed-upon dates if possible. If not, the trial will be set at the convenience of the court's calendar.

X.

**TIME FOR TRIAL**

It is estimated that the trial herein will take a total of **7 to 10 full judicial days**.

**APPROVED AS TO FORM AND CONTENT BY:**

DATED this 15<sup>th</sup> day of January, 2021.  
NAQVI INJURY LAW

DATED this 15<sup>th</sup> day of January, 2021.  
ALVERSON TAYLOR & SANDERS

/s/ Paul G. Albright  
FARHAN R. NAQVI  
Nevada Bar No. 8589  
PAUL G. ALBRIGHT  
Nevada Bar No. 14159  
9500 W. Flamingo Road, Suite 104  
Las Vegas, Nevada 89147  
*Attorneys for Plaintiff*

/s/ Karie N. Wilson  
KARIE N. WILSON  
Nevada Bar No. 7957  
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Las Vegas, Nevada 89149  
*Attorney for Defendants*

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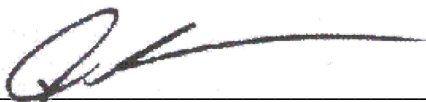
**XI.**

**ACTION BY THE COURT**

This case is set for jury trial on the stacked calendar on September 27, 2021 at 9:00 a.m..  
Calendar call shall be held on September 21, 2021 at 8:45 a.m. in Courtroom 6C.

This pretrial order has been approved by the parties to this action as evidenced by the signatures of their counsel hereon, and the order is hereby entered and will govern the trial of this case. This order shall not be amended except by order of the court, pursuant to agreement of the parties, or to prevent manifest injustice.

DATED: January 19, 2021.

  
UNITED STATES DISTRICT JUDGE

***NOTICE: Due to the unusually large number of complex criminal cases set for lengthy trials before this Court, civil trials may possibly be held in a trailing status for months or be assigned to another District Court Judge for trial. Therefore, the Court strongly urges the parties to consider their option to proceed before a Magistrate Judge pursuant to Local Rule IB 2-2, in accordance with 28 USC Section 636 and FRCP 73.***

***The Clerk shall provide the parties with a link to AO 85 Notice of Availability, Consent and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge form on the Courts website.***

